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# DIGEST OF WATER POLLUTION CONTROL LEGISLATION ... ILLINOIS

Public Health Service
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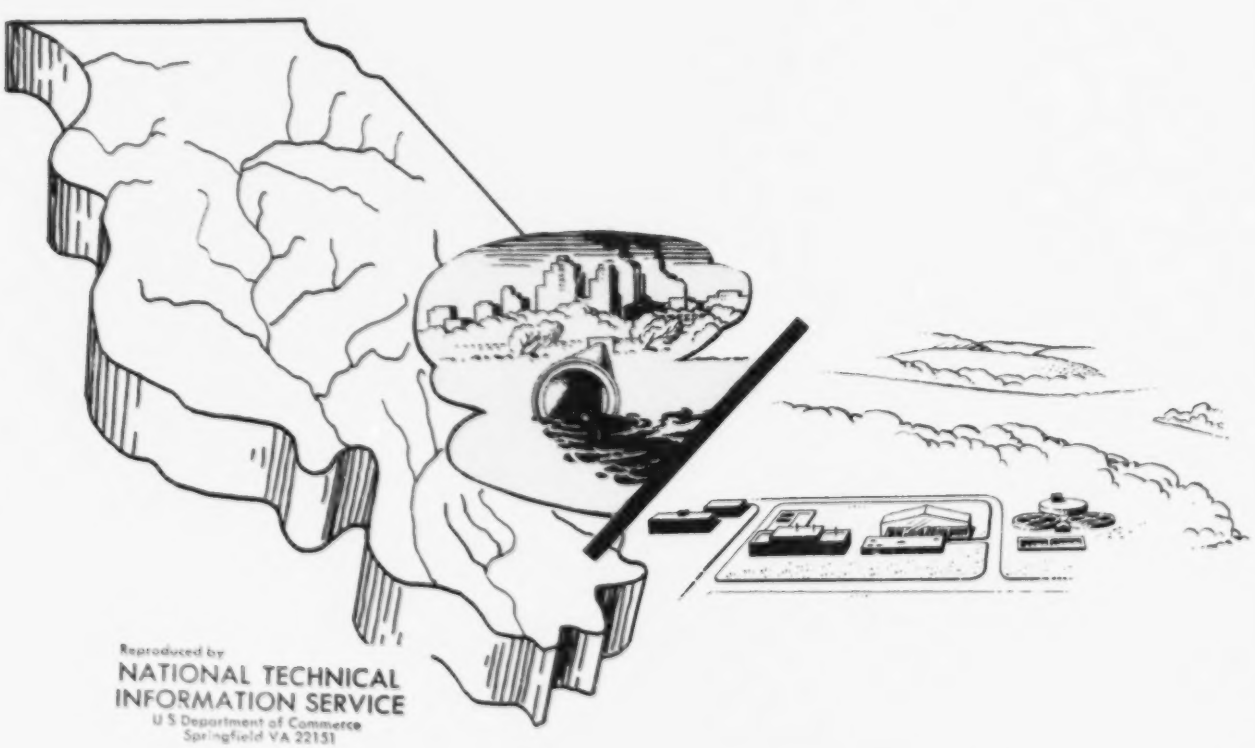

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U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service

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Section 3 of the Federal Water Pollution Control Act (33 U.S.C. 466b) directs the Public Health Service to "encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution."

This Digest is one of a series prepared by the Public Health Service as a service to the States and others interested in these objectives. Cooperation of State officials in the preparation of these digests is gratefully acknowledged.

September 1958

# DIGEST OF ILLINOIS WATER POLLUTION CONTROL LEGISLATION

## I. GENERAL STATEMENT

The Sanitary Water Board has the authority to develop a general comprehensive plan for controlling water pollution in the State. However, its authority does not extend over any sanitary district which has a population of one million or more (Chicago Sanitary District) (1956 Cum. Supp., Ch. 19, sec. 145.6(d)(4)). [1/] The Act creating the Sanitary Water Board also sets up a Water Pollution Control Advisory Council consisting of the Chairman of the Sanitary Water Board, one member of the Senate appointed by the President pro tempore, one member of the House appointed by the Speaker, and six other members appointed by the Governor, representing the following activities: Industry, Agriculture, Public Health, Wildlife Interest, Municipal Government and Public Interest (1956 Cum. Supp., Ch. 19, sec. 145.3(e)).

The Sanitary Water Board has been designated by statute as the Water Pollution Agency of the State for all purposes of the Federal Act, and is authorized to take all action necessary to secure to the States the benefits of the Federal Act. It is authorized to approve projects for which application for loans or grants under the Federal Act is made by any municipality of the State. It is also authorized to cooperate with the Surgeon General and other agencies of the Federal Government, other States, interstate agencies and other interested parties in all matters relating to water pollution (1956 Cum. Supp., Ch. 19, sec. 145.20, 145.21).

The Department of Public Health exercises functions relating to water treatment. Such functions relate primarily to supervision over the public water supplies, water treatment and purification works (Ch. 127,

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1/ Citations in this digest refer to the Illinois Annotated Statutes (Smith-Hurd) and the 1956 Cumulative Supplement thereto, unless otherwise indicated.

sec. 55.03).

## II. ADMINISTRATIVE ORGANIZATION

### Sanitary Water Board

#### 1. Composition and organization

The Board is composed of the Directors of the Departments of Public Health, Agriculture, Conservation, and Public Works and Buildings, and two members appointed by the Governor. One of the appointive members is to be a representative of industrial interests and the other a representative of municipal government. Each of the ex-officio members is authorized to designate a deputy to perform his duties under the Act, but such deputy does not have the power to vote on decisions of the Board. The Board annually selects one of its members as chairman. The Chief Sanitary Engineer of the Department of Public Health is the technical secretary of the Board and the active administrator of all water pollution control activities. The Board meets as often as is necessary upon the call of the chairman, and he must call a meeting upon the written request of two or more members. Three members of the Board constitute a quorum (1956 Cum. Supp., Ch. 19, sec. 145.3, 145.4, 145.5).

#### 2. Powers and duties

##### a) Development of comprehensive plan

The Board is authorized to develop a general comprehensive plan for the abatement of existing pollution and the prevention of new and/or imminent water pollution (1956 Cum. Supp., Ch. 19, sec. 145.6(d)(4)).

##### b) Issuance of permits and review of plans and specifications

The Board is authorized to issue, continue in effect, or deny permits, for the discharge of all waste, or for the installation or operation of sewage works. No permit is required for any new sewage works or changes to

existing works that receive only sanitary sewage from a building occupied by 15 persons or less (1956 Cum. Supp., Ch. 19, sec. 145.6(c)(4)). The Board reviews plans and specifications for sewage works and inspects the construction thereof for compliance with approved plans (1956 Cum. Supp., Ch. 19, sec. 145.6(d)(5)).

The Board may also require a permit for the following activities: (1) the construction, installation, modification, or operation of any sewage works; (2) the increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit; (3) the construction, installation, or operation of any industrial or commercial establishment or any modification thereof, the operation of which would cause an increase in the discharge of wastes, directly into the waters of the State or would otherwise alter the physical, chemical or biological properties of any waters of the State in any manner not already lawfully authorized; (4) the construction or use of any new outlet for the discharge of any wastes directly into the waters of the State (1956 Cum. Supp., Ch. 19, sec. 145.11).

c) Enforcement

Whenever the Board finds that there has been a violation of the provisions of the Act or of any of its orders, it may issue a notice to show cause why such discharge should not be discontinued. The notice must specify the time and place where a public hearing is to be held, and must be served personally or by registered mail at least 10 days before the hearing, and in the case of a municipality or corporation the service must be upon an officer thereof. At the hearing, the Board, or its representative, takes evidence with reference to the matter and may issue an order to the party responsible for the discharge, directing that within a specified

period of time, the discharge be discontinued unless adequate sewage works have been installed or existing works are properly operated. The provisions of the Administrative Review Act, and the rules adopted pursuant thereto, apply to all proceedings for judicial review of a final administrative decision of the Board (1956 Cum. Supp., Ch. 19, sec. 145.9).

Any municipality or sanitary district upon whom an order of the Board is served to abate its discharge of waste, must, unless such order is reversed on appeal, take steps for the acquisition, construction, or alteration, of a sewage works, in compliance with the order of the Board (1956 Cum. Supp., Ch. 19, sec. 145.12).

It is unlawful for any person to dispose into any of the waters of the State any matter that will cause pollution of such waters (1956 Cum. Supp., Ch. 19, sec. 145.10).

Any person who violates any provision of, or who fails to perform any duty imposed by the Act, or who violates any determination or order of the Board, is subject to a fine and/or imprisonment; each day the violation continues is a separate offense. In addition, such person may be enjoined from continuing the violation (1956 Cum. Supp., Ch. 19, sec. 145.13). The Attorney General, on the request of the Board, is authorized to bring an action for an injuction against any person violating the provisions of the Act or any order or determination of the Board (1956 Cum. Supp., Ch. 19, sec. 145.14). Violators causing the death of fish or aquatic life, in addition to other penalties, are also liable to the State to pay for such loss.

d) Conduct of studies, investigations and research

The Board is authorized to conduct experiments and research to discover economical and practical methods for preventing pollution (1956 Cum. Supp., Ch. 19, sec. 145.4(g)).

e) Cooperation with other public and private agencies

The Board is authorized to cooperate with any public or private agency in the conduct of its experiments and research, and to receive funds from the Federal government and from public and private agencies for water pollution control activities, surveys or programs (1956 Cum. Supp., Ch. 19, sec. 145.4(g)).

f) Administrative powers

The Board is authorized to adopt reasonable rules and regulations governing its procedure (1956 Cum. Supp., Ch. 19, sec. 145.6(b)).

The Board is authorized to hold public hearings; issue orders, institute legal proceedings to compel compliance with the provisions of the Act, issue permits; and collect and disseminate information relating to water pollution (Ibid).

The Board, or its duly appointed agent, is authorized to enter, at all reasonable times, upon property, public or private, for the purpose of inspecting conditions relating to the pollution of any waters of the State. The Board, or its agent, may require the submission of any records pertaining to the operation of a sewage works as the Board may determine to be reasonable (Ibid).

3. Preservation of existing rights and remedies

The Act states that it is not to be construed so as to limit or supersede the Act relating to the prevention of the intrusion of water into oil, gas or coal strata and the prevention of the pollution of fresh water supplies by oil, gas, salt water, or oil field wastes (1956 Cum. Supp., Ch. 19, sec. 145.16).

The Act states that it does not affect any act done, ratified, or confirmed, or any right accrued, or any proceeding had or commenced in a civil

or criminal cause before the Act or any amendments thereto takes effect (1956 Cum. Supp., Ch. 19, sec. 145.15).

4. Exemption from operation of Act

The Act states it is not applicable to any sanitary district which now has a population of one million or more (1956 Cum. Supp., Ch. 19, sec. 145.17).

5. Statement of policy; severability clause

The Act declares it to be the public policy of the State to maintain reasonable standards of purity of the waters of the State consistent with their use for domestic, agricultural, and industrial water supplies, and for the propagation of wildlife, fish and aquatic life, including their use in the final distribution of the water-borne wastes of its economy; that no waste be discharged into any waters of the State without first being given the degree of treatment necessary to prevent the pollution of such waters; to provide for the prevention, abatement and control of new or existing water pollution; and to cooperate with other public or private agencies of the State, and the Federal government in carrying out these objectives (1956 Cum. Supp., Ch. 19, sec. 145.1).

The Act contains a severability clause (1956 Cum. Supp., Ch. 19, sec. 145.18).

III. OTHER STATE AGENCIES HAVING WATER POLLUTION CONTROL FUNCTIONS

The Department of Public Health exercises supervision over quality and adequacy of public water supplies and water treatment and purification works (Ch. 127, secs. 55.03, 55.07, 55.08, 55.09). The supervision by the Department of Public Health does not apply to a sanitary district having a population of one million or more. For similar exemption, see IIA4, above (Ch. 127, sec. 55.30).

The Department of Conservation is authorized to investigate, and prevent the pollution of and engender the sanitary and wholesome conditions in the waters of the State so as to promote, protect, and conserve fish, game and bird life and to work in conjunction with any other Department preventing stream and water pollution (1956 Cum. Supp., Ch. 127, sec. 63a). Employees of the Department of Conservation are specifically authorized to cooperate with the Department of Public Health, Division of Sanitary Engineering, in making pollution investigations and making reports thereof (1956 Cum. Supp., Ch. 56, sec. 144).

The Mining Board is authorized to make rules and regulations for, among other things, the prevention of the pollution of fresh water supplies by oil, gas or salt water (1956 Cum. Supp., Ch. 104, sec. 67).

IV. MISCELLANEOUS STATUTORY PROVISIONS RELATING TO WATER POLLUTION

It is unlawful to take any fish by the use of chemical or mechanical compound or dope of any medicated drug, or any drug, or any fish berry, or any explosives (1956 Cum. Supp., Ch. 56, secs. 182, 208).

It is unlawful for anyone to wilfully and maliciously make impure any source of water, or injure any conductor of water, or other property pertaining to an aqueduct. Violation carries a fine or imprisonment (Ch. 38, sec. 436).

It is a public nuisance:

1. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any water course, well, or common sewer;

2. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake;

3. To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to

remain unplugged, after such well is no longer used for the purpose for which it is drilled;

4. To construct or operate any salt water pit or oil field refuse pit, commonly called a "burn out pit", so that oil field refuse or other waste liquids may escape therefrom in any manner except by evaporation or by burning; and

5. To permit any salt water, oil, gas, or other wastes from any well drilled for oil, gas, or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply, or from one underground stratum to another (1956 Cum. Supp., Ch. 38, sec.466). Violation carries a fine for first offense, and fine and imprisonment for subsequent offenses. The court may order an abatement of the nuisance at the expense of the offender (Ch. 38, sec. 467).

It is unlawful for anyone to abandon or deposit any trash or other insoluble material into, or upon the ice of, any waters of the State, and not to remove such material, unless such action is permitted by some other law of the State. Violation carries a fine (1956 Cum. Supp., Ch. 38, sec. 433a).

## V. INTERSTATE COMPACTS

Illinois is a party to the Ohio River Valley Water Sanitation Compact, relating to the control and abatement of pollution of the rivers and streams in the Ohio River Basin (Ch. 111½, secs. 117, 118).